

## **REISSUE APPLICATION DECLARATION BY THE ASSIGNEE**

I hereby declare that:

The residence, mailing address and citizenship of the inventors of the patent for which reissue is sought are stated below.

Bone Care International, Inc., is the owner by assignment of the entire right, title, and interest in U.S. Patent No. 5,861,386, issued January 19, 1999, for "Method for Treating and Preventing Secondary Hyperparathyroidism."

I am Vice President, Corporate Development, of Bone Care International, Inc., and am authorized to act on its behalf.

I believe that the inventors named below are the original and first inventors of the subject matter described and claimed in U.S. Patent No. 5,861,386, for which a reissue patent is sought on the invention entitled "Method for Treating and Preventing Secondary Hyperparathyroidism," the specification of which is attached hereto and which is amended by the preliminary amendment filed herewith.

### Inventors

Joyce C. Knutson, Madison, Wisconsin, a citizen of the United States  
Mailing address: 24 North Prospect Avenue, Madison, WI 53711

Charles W. Bishop, Verona, Wisconsin, a citizen of the United States  
Mailing address: 8550 Bakken Road, Mt. Horeb, WI 53572

Richard B. Mazess, Madison, Wisconsin, a citizen of the United States  
Mailing address: 3534 Blackhawk Drive, Madison, WI 53705

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

With respect to applications to which this application is related as a continuation-in-part and to which this application claims priority under 35 U.S.C. § 120, I acknowledge the duty to disclose information material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date(s) of the earlier applications and the filing date of the continuation-in-part application.

I believe that the original patent identified above is wholly or partly inoperative or invalid by reason of the patentees claiming more or less than they had the right to claim in the patent.

This application for reissue is based on at least the error that the full breadth of claim 1 is not supported in accord with the written description requirement of 35 U.S.C. § 112, first paragraph, by the specification of the patent as filed.

All errors corrected in this reissue application by the amendment filed herewith arose without any deceptive intention on the part of the applicant for reissue.

I hereby appoint the practitioners named below as our attorneys or agents to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Practitioners

Customer Number

23510

Direct all communications concerning this application to:

Correspondence Address

Customer Number

23510

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

  
C. Basil Mundy

Date: January 26, 2004

1600 Aspen Commons  
Middleton, WI 53562

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |                           |
|------------------------|---------------------------|
| Application Number     |                           |
| Filing Date            |                           |
| First Named Inventor   | Joyce C. Knutson          |
| Title                  | Method for Treating . . . |
| Art Unit               |                           |
| Examiner Name          |                           |
| Attorney Docket Number | 017620-9381               |

I hereby appoint:

 Practitioners at Customer Number:

23510

OR

 Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number:

OR

 The address associated with Customer Number:

OR

|                          |                         |       |
|--------------------------|-------------------------|-------|
| <input type="checkbox"/> | Firm or Individual Name |       |
| Address                  |                         |       |
| Address                  |                         |       |
| City                     |                         | State |
| Country                  |                         | Zip   |
| Telephone                |                         | Fax   |

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)***SIGNATURE of Applicant or Assignee of Record**

|           |                       |           |                |
|-----------|-----------------------|-----------|----------------|
| Name      | C. Basil Mundy        |           |                |
| Signature | <i>C. Basil Mundy</i> |           |                |
| Date      | January 26, 2004      | Telephone | (608) 662-7800 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



RECEIVED U.S. PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OCTOBER 04, 1995

PTAS

MARGARET M. LISS  
STROUD STROUD WILLINK THOMPSON & HOWARD  
25 WEST MAIN STREET  
SUITE 300, P.O. BOX 2236  
MADISON, WI 53701-2236



\*100021078A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/03/1995

REEL/FRAME: 7498/0210

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

KNUTSON, JOYCE C.

DOC DATE: 04/03/1995

ASSIGNEE:

MAZESS, RICHARD B.

DOC DATE: 04/03/1995

ASSIGNEE:

BISHOP, CHARLES W.

DOC DATE: 04/03/1995

ASSIGNEE:

BONE CARE INTERNATIONAL, INC.  
313 WEST BELTLINE HIGHWAY  
MADISON, WISCONSIN 53713

SERIAL NUMBER: 08415488

FILING DATE: 04/03/1995

PATENT NUMBER:

ISSUE DATE:

7498/0210 PAGE 2

SHIRLIE SIMON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



FORM 159  
1-31-81

APR  
3

1995

MRD  
4-3-95

06-23-1995

4A1581

AID

IEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

08/415488

See attached original documents or copy thereof.

To the ~~TRADEMARK~~ Commissioner of

1. Name of conveying party(ies): 71629

U.S. PTO

Joyce C. Knutson  
Richard B. Mazess  
Charles W. Bishop



06/21/95

100021078

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

Execution Date: April 3, 1995

2. Name and address of receiving party(ies):

Name: Bone Care International, Inc.

Internal Address: 313 West Beltline Highway

Street Address: 313 West Beltline Highway

City: Madison State: WI ZIP: 53713

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: April 3, 1995

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Margaret M. Liss

Stroud, Stroud, Willink, Thompson & Howard  
Internal Address: 25 West Main Street,

Suite 300

P.O. Box 2236

Madison, WI 53701-2236

Street Address: 25 West Main Street,

Suite 300

7. Total fee (37 CFR 3.41): \$40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

**ASSIGNMENT****PATENT**

**WHEREAS**, Joyce C. Knutson of 24 North Prospect Avenue, Madison, Wisconsin 53705, Richard B. Mazess of 2526 Gregory Street, Madison, Wisconsin 53711, and Charles W. Bishop of 3641 Okanogan Court, Verona, Wisconsin 53593, (hereinafter "ASSIGNOR") have invented the invention entitled METHOD FOR TREATING AND PREVENTING SECONDARY HYPERPARATHYROIDISM for which application for Letters Patent of the United States has been executed on even date herewith; and

**WHEREAS**, Bone Care International, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under and by virtue of the laws of the State of Wisconsin, and having its principal place of business at 313 West Beltline Highway, Madison, Wisconsin 53713, is desirous of acquiring an interest therein;

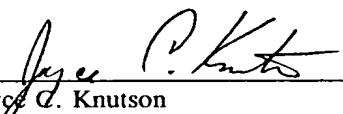
**NOW, THEREFORE**, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR sells, assigns and transfers unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the inventions as described in the aforesaid application, in the United States and all foreign countries, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States adheres, and in and to all Letters Patent to be obtained for the inventions in the above application and any continuation, division, renewal or substitution thereof and hereby authorize and request the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for the sole use and benefit of ASSIGNEE, its successors, assigns and legal representatives,

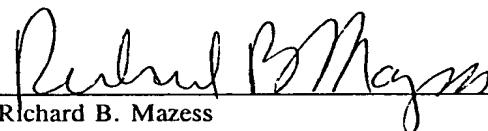
**AND HEREBY AGREES** to transfer a like interest upon request of ASSIGNEE, its successors, assigns and legal representatives, and without further remuneration, in and to any improvements and applications for patents based thereon, growing out of or relating to the invention; and to provide all reasonable assistance and execute any papers deemed essential by ASSIGNEE, its successors, assigns and legal representatives, to ASSIGNEE's full protection and title in and to the invention hereby transferred,

**AGREEING, FURTHERMORE**, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE;

**AND HEREBY COVENANTS** that no assignment, sale or encumbrance has been or will be made or entered into which would conflict with this assignment.

EXECUTED this 3rd day of April, 1995.

  
Joyce C. Knutson

  
Richard B. Mazess

  
Charles W. Bishop

State of Wisconsin )  
                      )  
                      ) ss.  
County of Dane )

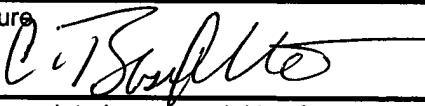
On this 3rd day of April, 1995, before me, a notary public in and for said county, appeared Joyce C. Knutson, Richard B. Mazess and Charles W. Bishop, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they acknowledge that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

(Seal)



My Commission Expires: in permanent

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |                                 |   |
|--|---------------------------------|---|
| <b>REISSUE APPLICATION: CONSENT OF ASSIGNEE;<br/>STATEMENT OF NON-ASSIGNMENT</b>   |                                 | Docket Number (Optional)<br><br>017620-9381 |
| This is part of the application for a reissue patent based on the original patent identified below.  |                                 |   |
| Name of Patentee(s)<br><br>Joyce C. Knutson, Charles W. Bishop, and Richard B. Mazess  |                                 |   |
| Patent Number<br>5,861,386   | Date Patent Issued<br>1/19/99   |   |
| Title of Invention<br><br>METHOD FOR TREATING AND PREVENTING SECONDARY HYPERPARATHYROIDISM   |                                 |   |
| <p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p>   |                                 |   |
| One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".<br><br>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue. |                                 |   |
| The assignee(s) owning an undivided interest in said original patent is/are <u>Bone Care International, Inc.</u> and the assignee(s) consents to the accompanying application for reissue.   |                                 |   |
| Name of assignee/inventor (if not assigned)<br><br>Bone Care International, Inc.   |                                 |   |
| Signature<br>   | Date<br><u>January 26, 2004</u> |   |
| Typed or printed name and title of person signing for assignee (if assigned)<br><br><b>C. Basil Mundy<br/>Vice President, Corporate Development</b>  |                                 |   |

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Joyce C. Knutson, Charles W. Bishop, and Richard B. MazessApplication No./Patent No.: 5,861,368 Filed/Issue Date: January 19, 1999Entitled: METHOD FOR TREATING AND PREVENTING SECONDARY HYPERPARATHYROIDISMBone Care International, Inc. a Corporation(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or2.  an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 7498, Frame 0210, or for which a copy thereof is attached.**OR**B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

January 26, 2004C. Basil MundyDate  
(608) 662-7800C. Basil Mundy  
Typed or printed name

Telephone number

Signature

Vice President Corporate Development  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.